

ORDER SHEET
CS/1346/1949
IA NO: GA/6/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

SUSHAMA RANI SINGHA & ORS.
VS.
HEMANGINI SINGHA & ORS.

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date: 7th SEPTEMBER, 2022

Appearance:
Mr. Swatarup Banerjee, Adv.
Mr. M.S. Tiwari, Adv.
Sk. S. Haque, Adv.
....for the Petitioner

The Court: This is an application praying for confirmation of sale.

A consent decree was passed in a partition suit instituted by the predecessors of the parties on 12th April, 1949. On 9th September, 1952 a consent decree was passed. Subsequently in terms of order of this Court property located at 38, Kali Krishna Tagore Street, Kolkata - 700007 mentioned in Schedule A of the consent decree was sold. The property mentioned in Schedule B of the consent decree, namely, the property located at premises no. 55, Kali Krishna Tagore Street, Kolkata – 700007, is in the process of sale to a purchaser for which permission is sought for from this Court. An agreement has been executed on 16th March, 2022 with the

intended purchaser, namely, M/s. B.D. Infra Properties LLP being a limited liability partnership having its Registered Office at 1 Jogendra Kabiraj Row, Police Station Posta, Kolkata – 700007, for a consideration of Rs. 4,25,00,000/- (Rupees Four Crores Twenty Five Lakhs). Part of consideration money, namely, Rs. 6,00,000/- (Rupees Six Lakhs) has already been paid. The receipt memo is annexed with the petition. The consent decree dated 9th September, 1952 puts no embargo on sale of the property in question. Therefore, there remains no bar in sale of the property located at 55, Kali Krishna Tagore Street, Kolkata – 700007. Therefore, let the property be sold to the aforesaid purchaser in terms of the agreement for sale dated 16th March, 2022 and the sale may be effected on ‘as is where is whatever there is basis’ and all liabilities will be borne by the purchaser. The sale proceeds received shall be invested by the Shebaits in a fixed deposit account or in such other suitable scheme as will fetch maximum interest/profit so that seva puja can be carried out of such profits/interests. The balance consideration money shall be paid within eight weeks. On receiving of the sale proceeds, the applicants shall hand over the possession to the premises to the purchasers. A copy of the receipt shall be filed in this Court.

Purchasers and all parties shall act on server copy of this Order on server copy of this application.

The application stands disposed of accordingly.

(SUGATO MAJUMDAR, J.)